

CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY SPECIAL SESSION

**April 20, 2010
6:30 P.M.**

Councilmembers/Boardmembers

Mayor/Chairman

David B. Ouzan

Mayor Pro Tem/Vice Chair

John M. Moreno

Luis J. Castro

Daniel F. Romero

Guillermo Hermosillo

City of Calexico

608 Heber Ave.

Calexico, CA

City Manager./Exec. Dir.

Victor M. Carrillo

City Attorney

Jennifer Lyon

City Treasurer

Rodolfo Moreno

City Clerk

Lourdes Cordova

*****AGENDA*****

CALL TO ORDER AND ATTENDANCE

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

ANNOUNCEMENTS/PUBLIC COMMENTS: NOTE: Public comments are welcome.

Speakers will be limited to three minutes. Please complete a speaker form prior to the start of the meeting. At a special meeting, public comments are allowed only on agenda items. If the item you wish to comment on is a closed session item, please comment now. If the item you wish to comment on is on the public portion of the agenda, we will take your comment when we get to the item on the agenda.

BUSINESS

1. Consider adopting a Resolution declaring property and business owners affected by the April 4, 2010 earthquake to be eligible for certain permit fee reductions.

Staff Recommendations:

- a.) That the City Council provide direction to staff regarding the type of fees that should be reduced for earthquake related repairs and reconstruction.
- b.) That the City Council consider adopting the attached Resolution that would reduce certain fees for persons repairing or rebuilding homes and businesses damaged by the April 4, 2010 earthquake.

**REDEVELOPMENT AGENCY BOARD
AGENDA
April 20, 2010**

BUSINESS

2. Community Development Block Grant (CDBG) and/or Home Program - Rental Assistance Program for displaced Callexico residents.

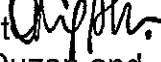
Staff Recommendation: Provide assistance via a rental assistance program.

ADJOURNMENT OF CITY COUNCIL AND RDA BOARD AGENDA

**CITY COUNCIL
AGENDA REPORT**

SUBJECT: CONSIDER ADOPTING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO DECLARING PROPERTY AND BUSINESS OWNERS AFFECTED BY THE APRIL 4, 2010 EARTHQUAKE TO BE ELIGIBLE FOR CERTAIN PERMIT FEE REDUCTIONS

AGENDA DATE: April 20, 2009

PREPARED BY: Armando G. Villa, Director of Community Development
Jennifer Lyon, City Attorney (at the request of Mayor Ouzan and Council Member Romero) 

APPROVED FOR AGENDA BY: Victor Carrillo, City Manager

RECOMMENDATION:

1. That the City Council provide direction to staff regarding the type of fees that should be reduced for earthquake related repairs and reconstruction.
2. That the City Council consider adopting the attached Resolution that would reduce certain fees for persons repairing or rebuilding homes and businesses damaged by the April 4, 2010 earthquake.

BACKGROUND INFORMATION:

On April 4, 2010, the City Council and the City Manager proclaimed the area affected by the April 4, 2010, 7.2 earthquake to be in a state of emergency pursuant to California Government Code Sections 8558(b), 8625, and 8630. Such proclamations were ratified on April 6, 2010. The earthquake has caused considerable damage and created conditions that risk the health and safety of the citizens of Calexico.

DISCUSSION:

RECONSTRUCTION PROCESS

STRUCTURAL REPAIRS:

A major concern in the aftermath of the earthquake was the significant structural damage to homes and businesses. Several buildings have been "red-tagged" and deemed unfit for occupancy. Other buildings have been "yellow-tagged." In order to restore those buildings to pre-earthquake condition, property and business owners will

need to obtain a variety of permits. Additionally, any building that requires substantial reconstruction will likely be required to conform to the most recent building and code requirements related to seismic and other standards.

FEES FOR REPAIRS AND RECONSTRUCTION:

The City currently charges a number of fees for Mechanical, Electrical, Plumbing and Building Inspection related improvements which would typically be imposed for most construction related activities.

MASTER FEE SCHEDULE:

The current Master Fee Schedule sets forth the majority of building related fees. The amount of fee charged, for most fees, represents the cost to the City in providing the service. Reducing the fees would result in a lower cost recovery amount for the City and negatively impact revenue projections. However, reducing the fees may encourage property owners to more expeditiously repair their homes and businesses. As the City is currently losing revenue due to the closure of several businesses, a portion of the lost revenue may be offset by businesses returning to normal operations more quickly.

FISCAL IMPACT:

The amount of revenue lost to the City as a result of reduced fees is not known at this time due to the fact that many structures have not been fully evaluated. Additionally, staff cannot know at this time the number and type of permits that will be required. Any fees or portions of fees that are reduced will be borne by the General Fund and fees waived by the City will not be eligible for reimbursement under the federal and state regulations governing disaster related financial assistance.

ENVIRONMENTAL REVIEW:

The waiver or reduction of fees for the reconstruction or repair of existing facilities is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it entails the waiver of permit processing fees for property owners wishing to rebuild or restore existing structures after the earthquake of April 4, 2010, and there is no possibility this will have a significant effect on the environment.

Attachments: DRAFT RESOLUTION

RESOLUTION NO. -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO
DECLARING PROPERTY AND BUSINESS OWNERS AFFECTED BY THE
APRIL 4, 2010 EARTHQUAKE TO BE ELIGIBLE FOR CERTAIN PERMIT FEE
REDUCTIONS

WHEREAS, the City Council of the City of Calexico provides permit services to the citizens of Calexico; and

WHEREAS, the City Council has established certain fees for the cost of providing these services; and

WHEREAS, the City proclaimed a local emergency due to the 7.2 magnitude earthquake that struck the City on April 4, 2010; and

WHEREAS, the Governor of the State of California declared a state of emergency for Imperial County due to the extensive damage to property in the County, including the City of Calexico; and

WHEREAS, expeditious demolition of damaged structures and the facilitation of the rebuilding and upgrading of the structures, including making the structures more earthquake resistant, is in the best interest of the citizens of Calexico; and

WHEREAS, the City Council finds that reducing certain permit fees for repair, demolition, rehabilitation or reconstruction of properties damaged by the earthquake will encourage property owners to promptly initiate repairs and, as a consequence, will reduce the likelihood the City would be required to undertake such actions pursuant to its police powers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Calexico as follows:

Section 1. The City Council finds that the approval of this Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it entails the waiver and reduction of permit processing fees for property owners wishing to rebuild or restore existing structures after the earthquake of April 4, 2010, and there is no possibility this will have a significant effect on the environment.

Section 2. The City Council hereby waives 50% of the cost of the fees listed below that are in the City's Master Fee Schedule as they apply to the owners of property at the time the property was damaged during the earthquake of April 4, 2010.

A. From and after April 4, 2010, the following fees are hereby reduced by 50% for all properties affected by the earthquake to the extent the proposed permit or fee is required to repair earthquake related damage to the property or to retrofit property to current seismic standards:

1. Building permit;
2. Demolition permit;
3. Mechanical permit;
4. Electrical permit

B. Any fees not indicated as reduced above shall only be reduced in instances where the property owner can provide valid evidence to the satisfaction of the Community Development Director that the insurance company will not cover the costs of rebuilding the same sized house or business that was damaged or that payment of the fee would make the repair infeasible. To be eligible, the applicant must provide proof of ownership of the property at the time of the earthquake. Any major redesign of the project that triggers a new plan check will be subject to the fees in effect at the time of the redesign.

C. The fee reductions authorized by this Resolution are not intended to authorize the waiver or reduction of fees or penalties such as penalties or fees assessed pursuant to administrative citations, parking violations, or other criminal violations of the municipal code. The process to appeal any of the above fees or penalties and the authority to set fines for those types of violations are already accounted for under the Calexico Municipal Code and State law. Such violations are subject to an appeal process before a hearing officer or judge.

D. In order to maintain the proportionality requirements applicable to development impact fees, no development impact fees shall be waived by the City.

Section 3. To be eligible for a waiver of the fees pursuant to this Resolution, the property owner, or the property owner's agent, must submit a complete Building Permit application to the Community Development Department no later than 5:00 p.m. on June 3, 2010.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Calexico, State of California this 20th day of April 2010.

DAVID OUZAN, MAYOR

ATTEST:

LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS.
CITY OF CALEXICO)

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 2010-____ WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 20th DAY OF APRIL 2010 BY THE FOLLOWING VOTE, TO WIT:

AYES:
NOES:
ABSENT:

LOURDES CORDOVA, CITY CLERK